



Federal Government of Somalia

Ministry of Environment and Climate Change

Environmental Protection and Management Act

April 2024

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ENVIRONMENTAL PROTECTION AND MANAGEMENT ACT

Chapter 1 General

Article 1 Short Title

This Act may be cited as “**Environmental Protection and Management Act**” herein after referred to as “the Act”.

Article 2 Definitions

Unless the context otherwise requires, in this Act:

1. **Air quality** means the concentration prescribed under or pursuant to this Act of a pollutant in the atmosphere at the point of measurement.
2. **Aquatic Ecosystem** means water-based environment and consist of marine ecosystem and the freshwater ecosystem;
3. **Air pollution** means modification of the natural condition of the air, in particular, through smoke, dust, gases, radiation, steams, odours or waste heat.
4. **Analysis** means the testing or examination of any matter, substance or process for the purpose of determining its composition or qualities or its effect on any segment of the environment or examination of emissions or recording of noise or sub-sonic vibrations to determine the level or other characteristics of the noise or sub-sonic vibration or its effect on any segments of the environment;
5. **Charcoal** means the black substance made of burnt wood that can be used as energy for cooking.
6. **Chemical** means a substance in any form whether by itself or in a mixture or preparation, whether manufactured or derived from nature and for the purposes of this Act includes industrial chemicals, pesticides, fertilizers and drugs;
7. **Constitution** means the Constitution of the Federal Republic of Somalia.
8. **Court:** Courts are as defined by Article 86 of this Act.
9. **Disposal of waste** includes its recovery or deposit in a landfill as well as the preliminary stages of collection, transport, storage and treatment;
10. **Ecosystem** includes all of the living things (plants, animals, and organisms) in a given area that interact with each other, as well as the non-living environments (weather, earth, sun, soil, climate, atmosphere) that surround the living things.

11. **Endangered species** endangered species are species that are likely to become extinct in whole or in part in the near future.
12. **Environment** means the totality of all materials whether in their natural state or modified or changed by human, their external spaces and the interactions which affect their quality or quantity and the welfare of human or other living beings, including but not restricted to, land atmosphere, weather and climate, water, living things, sound, odor,taste, social factors, and aesthetics;
13. **Environmental audit** means the systematic documented, periodic and objective evaluation of how well environmental organization, management and equipment ore performing in conserving or preserving the environment;
14. **Environmental Impact Assessment** means a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment;
15. **Environmental management** includes the protection, conservation and sustainable use of the various elements or components of the environment;
16. **Environmental monitoring** means the continuous or periodic determination of actual and potential effects of any activity or phenomenon on the environment whether short-term or long-term;
17. **Environmental information** means information in the fields addressed by this Act and in the fields addressed by legislation on the protection of nature and cultural heritage, landscape protection, waters protection, protection against natural hazards, forest conservation, hunting, fishing, gene technology and climate protection;
18. **Environment (environmental) Inspector** is an officer appointed in accordance with article 25 of this Act.
19. **Environmental Protection:** means sustaining of the essential characteristics of nature and enhancing thwapactiy of the natural resource base with a view to safeguarding the interest of the present generations without compromising the opportunity for the future.
20. **Freshwater ecosystems** include lakes, rivers, water wells, streams, wetlands and other fresh water sources;

21. **Government** means the government of the Federal Republic of Somalia or federal member states;
22. **Harmful effects** are air pollution, noise, vibrations, radiation, water pollution or other interference in water, soil pollution, modifications of the genetic material of organisms or modifications of biological diversity caused by the construction and operation of installations, by the handling of substances, organisms or waste, or by the cultivation of the soil;
23. **Hazardous substance** means any substance in the solid, liquid or gaseous state, or any plant, animal or micro-organism that is injurious to human health or the environment;
24. **Impact**, concerning the use, development or protection of the environment, includes — (a) a positive or adverse impact; (b) a temporary or permanent impact; (c) a past, present or future impact;
25. **Independent expert** is an appointed person with no material current or prior business or personal relationship with the proponent of an installation or project, who has special skills or expertise on the matter at hand and is able to render a scientific opinion about the environmental impact of a proposed project;
26. **Illegal Wildlife Trade:** refers to the harvest and trade of wild species contrary to the laws of Somalia and international conventions to which the country is a party to. It includes the illegal trade, smuggling, poaching, capture or collection of endangered species, protected wildlife (including animals and plants that are subject to harvest quotas and regulated by permits), derivatives or products thereof.
27. **Installations** are buildings and other fixed facilities that contains equipment and machinery and include but not limited to factories, power generations, oil installations and other machineries which are being used for the production of goods, generation of power, extraction of minerals and other resources;
28. **Licence** means a licence granted under this Act or any other law applicable in Somalia;
29. **Line Ministries** means:
 - a) At Federal level: Federal Line Ministries
 - b) In the case of states: Ministries of Environment

30. **Marine Environment** means the sea and the ocean environment and the living and non-living organisms of the sea and the ocean;
31. **Ministry:** Means the Ministry of Environment and Climate Change of the FGS and the State Ministries of Environment and Climate Change of federal member states.
32. **Natural resources** means includes land, soil, minerals, water, air, plants and animals and their habitat;
33. **Noise** means any undesirable sound that is intrinsically objectionable or that may cause adverse effect on human health or the environment;
34. **Pesticides** are chemical compounds that are used to kill pests, including insects, rodents, fungi and unwanted plants (weeds).
35. **Person** means any natural or juridical person and include both citizens and foreigners;
36. **Poaching** means the illegal hunting, capturing, trapping or killing of wild animals.
37. **Polluter-pays principle** means that the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected with or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law;
38. **Pollution** means contamination of the land, water or air by harmful or potentially harmful substances which are potentially hazardous to public health, animals, birds, wildlife, plants, fish or aquatic life;
39. **Population centres** means a geographic area where people live (e.g. residential areas) or work (e.g. city centre);
40. **Protected areas:** refers to a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values.
41. **Precautionary principle** is the principle that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

42. **Premises** include measures, buildings, lands, and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;
43. **Project** means a planned work or activity and include, but not limited to the establishment of factories and other machinery for manufacturing or exploitation of natural resources;
44. **Project report** means a summary statement of the likely environmental effect of a proposed project;
45. **Radiation** includes ionizing radiation and any other radiation likely to have adverse effects on human health and the environment;
46. **Region** means those parts of Somalia specified as Regions by the constitution;
47. **Standard** means the limits of discharge or emissions established under this Act or under regulations made pursuant to this Act or any other written law;
48. **Substances** are natural or manufactured chemical elements and their compounds;
49. **Sustainable development** means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;
50. **Waste** means any unwanted substance discarded and include solid waste, hazardous waste, liquid waste and radiative waste likely to cause an alteration of the environment;
51. **Wildlife** means any animals, birds, river fish and reptiles of any description, but not including other lower terrestrial forms of life within the land areas of Somalila.
52. **Threatened species:** any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
53. **Treatment** is any physical, chemical or biological modification of the waste;

Article 3 Scope of the Act

This Act applies to the territory of the Federal Republic of Somalia.

Chapter 2

Principles & Objectives

Article 4

Principles

The principles of the Act are similar to the principles contained in the National Environmental Policy of Somalia.

Article 5

Right to Clean Environment

1. Every person living in Somalia shall have a right to clean, safe and healthy environment.

Article 6

Waste

1. The production of waste should be minimized and wherever possible recycled.
2. The three R's of waste hierarchy must be adopted: Reduce, Reuse and Recycle.
3. Waste must be disposed of in an environmentally compatible way.

Article 7

Polluter Pay Principle

1. Any one who produce pollution should bear the cost of managing it.
2. Those who produce pollution shall be responsible for paying for the damage done to human health or the environment.

Article 8

Environmental Impact and Social Assessment

1. An environmental and social impact assessment is a systematic examination conducted to determine whether or not a programme, activity or project will have any adverse impacts on the environment and society.

2. Environmental and social impact assessments shall be carried out in accordance with Chapter 11 of this Act.

Article 9

Sustainable Development

1. Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
2. Exploitation of the natural resources of Somalia must be in line with the principle of sustainable development.

Article 10

Precautionary Principle

When a project or an activity raises threats of harm to human health or the environment, decision-makers should adopt precautionary measures even if some cause-and-effect relationships are not fully established scientifically.

Article 11

Objectives

The objectives of this Act are:

1. To promote a clean and healthy environment for all Somalis;
2. To prevent, control, monitor and respond to pollution;
3. To enrich the understanding of the ecological systems and natural resources important to the Somali Nation.
4. To protect people, animals and plants, their biological communities and habitats against harmful effects, pollution, nuisances and to preserve the natural foundations of life sustainably, in particular biological diversity and the fertility of the soil.
5. Apply appropriate natural resource management techniques and restoration of lost or damaged ecosystems.
6. To promote sustainable development with respect to the management of the environment and natural resources;

7. To reduce the production of wastes, and to promote the environmentally sound management and disposal of all wastes.
8. To define the institutional set up at the Federal and member state levels.
9. To promote international cooperation between Somalia and other states in the field of environment.
10. To assess carefully the environmental impacts that as a result of oil and gas exploitation/extraction and other mineral resources.

Chapter 3

Institutional Structure

Article 12

Ministry of Environment and Climate Change

1. The Ministry is the national institution responsible for the management and protection of the Somali environment. It is also responsible in addressing the impacts of climate change.
2. The responsibilities of the Ministry include but not limited to:
 - a) Provide leadership, partnership and good governance to protect, conserve and sustainably utilize environmental resources for the betterment of the present and future generations.
 - b) Formulate policies, strategies, laws and standards, which foster social and economic development in a manner that enhance the welfare of the people and the safety of the environment,
 - c) Spearhead and ensure the effective implementation of the policies, strategies, laws and standards related to the protection of the environment.
 - d) Monitoring and evaluation of environmental issues/situation at federal and state levels.
 - e) In consultation with state environment ministries, prepare, review and update environmental policies, strategies and legislations.
 - f) Establish a system for environmental and social impact assessment of all projects that may impact the environment in order to integrate environmental considerations into development policies, plans and programs for sustainable development and improvement of quality of human life;
 - g) In cooperation with relevant authorities at Federal and State levels, carry out studies to combat desertification and extinction of wildlife and prepare corrective measures and create favourable conditions for their implementation;
 - h) Undertake, disseminate and coordinate research & development and prepare periodic reports on the state of the environment of the country;

- i) Advise the government and represent the country in the negotiations of regional and international environmental agreements and ensure the implementation of those agreements;
- j) In consultation with the state environment ministries, establish an environmental information system that promotes efficiency in environmental data collection, management and use;
- k) Promote effective public engagement in environmental conservation through mass awareness, education and stewardship;
- l) To mobilize, monitor financial resources for environmental and natural resources management.
- m) Carry out all measures intended to address environmental issues and climate change impacts in the country.
- n) Registration of all non-governmental organizations working in the environment and climate change sectors in Somalia.
- o) To facilitate the implementation of this Act, the Ministry may enact regulations.

Article 13

Environmental Trust Fund

1. This Act creates a National Environment Fund, hereinafter referred to as the “Fund”.
2. The fund shall consist of -
 - a) Budget allocated for the protection and care of the environment.
 - b) Grants from donors, international organizations, international climate funds etc;
 - c) Fees charged for the use of environmental resources and other fees charged under this Act;
 - d) Fines collected as a result of breach of the provisions of this Act and related regulations;
 - e) Grants and contributions from other sources, domestic and outside.
3. The Ministry is responsible for the administration and management of the Fund.
4. The Fund shall be used to fulfill the duties of the Ministry in protecting the environment;
5. The Fund shall be managed in accordance with the Public Financial Management of the country.
6. The Ministry shall keep complete and accurate books of accounts.

7. The Ministry's books of accounts and financial documents shall be audited annually by the Auditor General.

Article 14

National Environmental Council

1. A National Environmental Council, hereinafter referred to as the “Council”, may be established with the following members:
 - a) Chairperson (Minister of Environment and Climate Change FGS)
 - b) Representatives from Federal line ministries.
 - c) a representative designated by each state ministry of environment of Federal Member States,
 - d) a representative from local environmental non- governmental organizations
 - e) a representative from the Somalia Trade Union,
 - f) a representative from the Somali Chamber of Commerce,
 - g) a legal council from the Office of the Attorney General,
 - h) Representatives from the environment and natural resources committees of the two houses of the parliament of the Federal Republic of Somalia, and
 - i) other representatives as may be necessary.

Article 15

Responsibilities of the Council

1. The Council shall:
 - a. advise on national goals, objectives, policies and priorities for the protection of the environment;
 - b. based on reports submitted to the Council by the Ministry, evaluate and provide appropriate advise on the implementation of environmental policies and laws of Somalia;
2. The Council shall hold its regular meetings once every six months, but it may also, at any time, hold extraordinary meetings whenever deemed necessary.

Article 16

Line Ministries

1. The national environmental laws supersede those of Sectoral Line Ministries;
2. The Ministry shall have a liaison officer responsible for liaising with the Line Ministries on matters involving the environment and to ensure that this Act and Regulations thereafter are complied with.

Article 17

State Environment Ministries

1. Each federal member state may establish its own ministry of environment and climate change that shall be responsible for the environment of the state and implementation of both national/federal and state level environmental policies and legislations.
2. The state environment ministries will be responsible for coordinating the formulation, implementation, review and revision of state environmental strategies, policies and laws.
3. State environment ministries shall ensure the implementation of federal environmental standards.
4. State environmental policies and legislation should be in alignment with those at the federal level.
5. Without prejudice to sub-article 4 of this article, member states shall not issue environmental standards, fines and punishments that are of less stringent than those at the federal level.
6. In case of contradiction between state and Federal environmental legislations, the latter shall prevail.
7. State environment ministries and the federal ministry of environment and climate change need to consult each other to ensure the alignment of environmental legislations at two levels of government.

Chapter 4

Environmental Audit and Monitoring

Article 18

Environmental Audit

1. The Ministry shall be responsible for carrying out environmental audit of all activities that are likely to have significant effect on the environment.
2. The owner of the premises or the operator of a project for which an environmental impact assessment study report has been made shall keep accurate records and make annual reports to the Ministry describing how far the project conforms in operation with the statements made in the environmental impact assessment study report submitted under Chapter 11 of this Act.
3. The owner of premises or the operator of a project shall take all reasonable measures to mitigate any undesirable effects.

Article 19

Environmental Monitoring

1. The Ministry shall, in consultation with the relevant ministries, monitor :—
 - a. all environmental phenomena with a view to making an assessment of any possible changes in the environment and their possible changes in the environment and their possible impacts; or
 - b. the operation of any industry, project or activity with a view of determining its immediate and long-term effects on the environment.
2. An environmental inspector appointed under Article 20 of this Act may enter upon any land or premises for the purposes of monitoring the effects upon the environment of any activities carried on that land or premises.

Article 20

Environment Inspectors

1. The Ministry may appoint in writing any sufficiently qualified person to be an Environment Inspector, including employees of the Ministry and state environment ministries, police

officers, quarantine officers, fisheries officers, public health inspectors and any other environmental expert.

2. The Director General and all officers of the Ministry and state environment ministries holding full time positions are deemed Environment Inspectors for the purposes of this Act.

Article 21

Powers of Environmental Inspectors

1. Subject to the provisions of sub-articles (2) and (3) of this Act, an Environment Inspector may enter —
 - a. any land or building (other than a dwelling house) at any time;
 - b. vessels, ships, aircraft, vehicles or other form of conveyance at any time — for the purposes of —
 - (i) monitoring the impact of any activity, matter or thing relating to the environment;
 - (ii) investigating the commission of any offence or the breach of any lawful obligation under a law relating to the protection or management of the environment;
 - (iii) Enforcing this Act or any other law relating to the protection or management of the environment.
2. An Environment Inspector shall not exercise the powers conferred by sub-article (1)(a) or (b) except for the purpose of —
 - a. Investigating an alleged offence of which an Environment Inspector has reasonable and probable grounds to believe that such entry will produce evidence.
3. The powers conferred by sub-article (1)(a) and (b) of this article shall not be exercised unless reasonable notice has been given to the owner or occupier of the land, building or dwelling house, or unless a search warrant has been obtained from a court.
4. The provisions of the Somalia Criminal Procedure Code shall apply to the issuance of search warrants for the purposes of this article.
5. In the exercise of the powers conferred by this article, an Environment Inspector may —
 - a. conduct such investigations and examinations as are necessary to monitor the effects of any activity, matter or thing, or to determine whether any offence has been committed;
 - b. take samples for the purpose of analysis and testing;

- c. take photographs or measurements;
 - d. require any person apparently associated with an activity under investigation to state his or her full name, occupation and usual place of residence;
 - e. require the production of any document relevant to the activity, matter or thing under investigation, including any licence or permit required by law; and
 - f. require from any person any assistance that is relevant to the investigation or monitoring activity; and
 - g. Seize any item used in the commission of an offence against this Act, or any law relating to the protection or management of the environment.
6. Any person who —
- a. hinders or obstructs an Environment Inspector in the performance of his or her duties under this Act, or the exercise of a power under this Act;
 - b. induces or incites any other person to hinder or obstruct an Environment Inspector acting in accordance with this Act;
 - c. by words or conduct falsely represents that he or she is an Environment Inspector, or who otherwise impersonates an Environment Inspector;
 - d. fails to comply with a requirement made by an Environment Inspector under sub-article (5) (d), (e) or (f); or
 - e. provides false or misleading information to an Environment Inspector — commits an offence.

Chapter 5

Environmental Information

Article 22

Duty to Supply Plant Information to the Authority

1. All owners or operators of installations or any other undertakings currently operational which may discharge effluents or other pollutants into the environment shall notify the Ministry within thirty (30) days upon the coming into force of this Act.
2. The owner/operator shall submit accurate report about the quantity and quality of such effluent or other pollutants they discharge to the environment.
3. The Ministry shall take the necessary measures in accordance with this Act.

Article 23

Environmental Information and Advice

1. The Ministry shall inform the public adequately about environmental protection and levels of environmental pollution; in particular:
 - a. they shall publish studies on environmental pollution and on the success of measures under this Act;
 - b. they may, provided it is of general interest and having consulted those concerned, publish:
 - i. the results of the environmental impact assessment of installations,
 - ii. the results of inspections of installations,
2. Overriding private and public interests in confidentiality and manufacturing and business secrecy are reserved in every case.
3. The Ministry shall advise the public authorities, private sector and individuals. It shall advise the public on environmentally sound behavior and recommend measures to reduce environmental pollution.
4. Environmental information must, if possible, be made available as open digital data records.

Article 24

Environmental Reports

The Ministry shall assess the state of the environment of Somalia at least every two years and shall submit a report on the results to the Council of Ministers and the House of the Representative and the Senate of the Federal Parliament.

Article 25

Freedom of Information

Every person has the right to obtain the environmental information in official documents.

Chapter 6

Environmental Pollution

Article 26

Principles

1. Air pollution, noise, vibrations and radiation are limited by measures taken at their source (limitation of emissions).
2. Irrespective of the existing environmental pollution, as a precautionary measure emissions are limited as much as technology and operating conditions allow.
3. Emissions are limited more strictly if the effects are found or expected to be harmful or a nuisance, taking account of the existing level of environmental pollution.

Article 27

Air quality standards

1. Ministry shall, in consultation with relevant ministries, establish:
 - a. ambient air quality standards;
 - b. occupational air quality standards;
 - c. any other air quality standards.
 - d. criteria and guidelines for air pollution control;
2. Any person who emits any substances which cause air pollution in contravention of emission standards established under this Act shall be guilty of an offence and liable to imprisonment for a term of not more than two years or to a fine to be determined by the court or both;
3. A person found guilty under sub-article (2) shall, in addition to any sentence or fine imposed on him;
 - a) pay the cost of the removal of the pollution, including any costs which may be incurred by any organ of government in the restoration of the environment damaged or destroyed as a result of the emission;
 - b) pay compensation to third parties who have incurred damage as a result of the pollution.

4. The Ministry shall take measures necessary to reduce existing sources of air pollution by requiring the redesign of plants or the installation of new technology or both, relocation of installations from population centres, to meet the requirements of the standards established in accordance with this article.

Article 28

Licensing Emissions

1. An owner or operator of a trade, industrial undertaking or an establishment which after the commencement of this Act, is emitting a substance or energy which is causing or is likely to cause air pollution shall apply to the Ministry for an emission license.
2. In the case of any trade, industrial undertaking or establishment existing before the commencement of this Act, such application shall be made within twelve months after this Act has come into force.
3. The Ministry shall maintain a register of all emission licences issued under this Act and the register shall be open to the public document and may be inspected at a reasonable hours by any person on the payment of a prescribed fee
4. The application form and fees shall be prescribed by a regulation.

Article 29

Emissions by Motor Vehicles and other Conveyances

1. No owner or operator of a motor-vehicle, train, ship, aircraft or other similar conveyance shall:
 - a. operate it in such a manner as to cause air pollution in contravention of the established emission standards; or
 - b. import any machinery, equipment, device or similar thing that will cause emissions into the ambient air in contravention of prescribed emission standards set by the Ministry of Transport of the FGS.

Article 30

Incentive Taxes

1. In the interest of protecting the health of the Somali people and in consultation with the Federal Ministry of Finance and health and environmental experts, the Ministry may propose:

- a) that environmental taxes be imposed on the importation or production of certain goods.
 - b) The Ministry may also propose the banning of the importation or production of certain goods that are harmful to the environment.
2. The imposition of the environmental tax under sub-article 1 of this article shall be in accordance with the Public Financial Management of the country,
 3. The revenue from the tax shall be collected by the Ministry of Finance.

Article 31

Water Pollution

1. Any person, who upon the coming into force of this Act, discharges waste into the Aquatic ecosystem in contravention of this Act or other environmental protection laws shall be guilty of an offence in accordance with article 84 of this Act.
2. A person found guilty under sub-article (1) of this article shall, in addition to any sentence or fine imposed on him:
 - a. pay the cost of the removal of any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutants, including the costs of restoration of the damaged environment, which may be incurred by the government in that respect;
 - b. pay third parties reparation, cost of restoration, restitution or compensation as may be determined by a court of law on application by such third parties.
3. Without prejudice to the preceding sub-articles of this article, The Ministry shall:
 - a. implement systems of licensing for persons discharging pollutants and wastes into water bodies;
 - b. maintain water quality;

Article 32

Water Quality Standards

1. The Ministry shall, in consultation with the relevant ministries, establish water quality standards:—
 - i. drinking water;
 - ii. water for industrial purposes;
 - iii. water for agricultural purposes;

- iv. water for fisheries and wildlife;
- v. and any other prescribed water use.

Article 33
Duty to Supply Plant Information to the Ministry

All owners or operators of irrigation project schemes, sewerage systems, industrial production workshops or any other undertaking which may discharge effluents or other pollutants shall within ninety days (90) upon the coming into force of this Act or as may be demanded from time to time by the Ministry, submit on demand, to the Ministry accurate information about the quantity and quality of such effluent or other pollutant.

Article 34
Effluents to be discharged only into Sewerage System

Discharge of effluents and other liquid pollutants into the sewerage system shall be regulated by a regulation.

Article 35

Noise and Vibration Pollution

1. The Ministry, in consultation with relevant ministries, shall:
 - a. Establish minimum standards for emissions of noise and vibration to preserve and maintain public health and the environment;
 - b. Set criteria and procedres for the measurement of noise and vibration pollution;
 - c. Order the relocation of noise generating installations to locations outside of population centres, education establishments, health centers, fishing centers, livestock centers etc.

Article 36
Noise in Excess of Established Standards Prohibited

Any person who emits noise in excess of the noise emission standards established under the regulations enacted in accordance with this Act commits an offence.

Article 37
Standards for the Control of Noxious Smells

1. The Ministry shall, in consultation with the relevant ministries, establish—
 - a. Procedures for the measurement and determination of noxious smells;
 - b. Minimum standards for the control of pollution of the environment by noxious smell;
or
 - c. Guidelines for measures leading to the abatement of noxious smells, whether from human or from naturally occurring phenomena.

Chapter 7

Control of Hazardous Substances

Article 38

Regulation of Hazardous Substances

1. The Ministry, in consultation with relevant ministries, shall regulate the manufacture or importation of hazardous substances which, due to their properties, method of use or the quantities used, may present a danger to the environment or people.
2. The government shall build the capacity of Federal and State level customs officers;
3. Hazardous substances relate in particular to:
 - a. substances that enter the environment due to their intended purpose, such as herbicides and pesticides, including wood preservatives and stock preservatives, fertilizers, growth regulators, and other chemicals;
 - b. substances or their derivatives that can accumulate in the environment, such as chlorinated organic compounds and heavy metals.
 - c. Other chemicals and hazardous substances.
4. Without limiting the generality of sub-articles 1 & 3, regulations may make provision for:
 - a. the types of “hazardous wastes” and “hazardous chemicals” to be regulated under this Act, and appropriate definitions for them;
 - b. planning requirements (including compliance, implementation and emergency planning) for government agencies and for companies and persons involved in the management of hazardous substances;
 - c. the implementation of relevant international standards and practices related to the management of hazardous substances;
 - d. responsibilities to maintain registers of hazardous substances, and for information to be recorded in them;
 - e. controls over imports and exports, including the tracking of shipments and

- other border control activities such as customs codes and identification measures;
- f. the imposition of requirements relating to containers, packaging and labelling for hazardous substances;
 - g. licensing, permit and certification systems, including permits for the collection, transportation and disposal of hazardous wastes and substances;
 - h. requirements relating to the sound management of hazardous substances, and the operation of waste management and disposal facilities;
 - i. requirements for the provision of safety equipment and procedures, and for the training of employees working with hazardous substances;
 - j. specific provisions relating to managing radioactive wastes and substances in Somalia's jurisdiction, including regulating or prohibiting the importation of equipment and materials which may generate or become radioactive wastes.

Article 39

Hazardous and Chemical Materials License

1. No person shall import, export, put to use products (devices) containing hazardous substances or chemicals without a license;
2. Manufacture, storage or sell of substances containing hazardous chemicals cannot be carried out without a license.
3. A regulation issued by the Ministry shall regulate and define the procedure for issuing licenses referred to in this Article.

Article 40

Radiation Pollution

1. The Ministry shall, in consultation with relevant authorities:
 - a) establish the standards for the acceptable levels of ionizing and other radiation in the environment;
 - b) establish criteria and procedures for the measurement of ionizing and other radiation;

Article 41
Prohibition of Discharge of Hazardous Substances, Chemicals and Materials or Oil into the Environment

1. No person shall discharge any hazardous substance, chemical, oil or mixture containing oil into any waters or any other segments of the environment contrary to the provisions of this Act or any regulations thereunder.
2. A person who discharges a hazardous substance, chemical, oil or a mixture containing oil into any waters or other segments of the environment contrary to subsection (1) commits an offence.
3. A person convicted of an offence under subsection (2) shall, in addition to any other sentence imposed by the court:—
 - a. pay the cost of the removal of the hazardous substance, chemical, oil or a mixture containing oil including any costs which may be incurred by any Government Ministry or organ in the restoration of the environment damaged or destroyed as a result of the discharge; and
 - b. the costs of third parties in the form of reparation, restoration, restitution or compensation as may be determined by a competent court on application by such third parties.
4. The owner or operator of a production or storage facility, motor vehicle or vessel from which a discharge occurs contrary to this section shall mitigate the impact of the discharge by—
 - a. giving immediate notice of the discharge to the Authority and other relevant Government officers;
 - b. immediately beginning clean-up operations using the best available clean-up methods;
 - c. complying with such directions as the Authority may, from time to time, prescribe.
5. Where the owner or operator of a production or storage facility, failed to take to act as per sub-article 4 of this article, he/she may be charged with an offence.
6. The Court in convicting a person of an offence under this section shall take into account the measures taken by that person to comply with subsection (4).

Article 42

Environmental Protection and Petroleum Operations

1. Every person engaged in exploration, extraction, production, manufacturing and other activities related to petroleum shall protect the environment in accordance with this law, other environmental laws of the country and international environmental laws related to the protection and preservation of the environment.
2. If any oil or pollutant is discharged or escape into the waters of Somalia from any ship, or from any place on land, or from any apparatus used for transferring oil or a pollutant from or to any ship, or from any fixed or floating platform or from any other man-made structure, or as a result of operations for the exploration of the seabed or subsoil or the exploitation of the natural resource, the owner or master of pollution source shall be held responsible.
3. If the pollution referred to in sub-article 2 of this article is due to force majeure, the Ministry, in collaboration with the relevant Ministries, shall:
 - a) assess the scale of the damage or contamination;
 - b) set out the steps to be taken to minimize the harm.
4. Subject to the assessment referred to in sub-article 3 of this article, the owner or the person in charge of the source of the contamination may be ordered to pay compensation & the cost of cleaning the damaged environment.
5. A person who violates this Article shall be guilty of an offense and shall be sentenced to a fine or imprisonment or both. The court shall consider the extent of the harm or damage.
6. The court may also rule that the convicted person shall:
 - a) Pay compensation to anyone who is harmed
 - b) Clean and revitalize a polluted or damaged environment.

Article 43

Guideline for Environmental Emergencies

1. The Ministry shall, in consultation with the relevant Ministries, develop and implement contingency plans for the management of environmental emergencies including:
 - a) Major oil spills and gas leakage;
 - b) Spills of hazardous substances;

- c) Industrial accidents;
 - d) Other human activity that may cause disaster to human health and the environment.
2. Environmental emergency plans shall be distributed to all relevant sectors and institutions at federal and state levels.

Article 44

Management of Ozone Depleting Substances

1. The Ministry shall, in consultation with the relevant ministries, undertake research and other studies and give due recognition to developments in scientific knowledge on substances, activities and practices that deplete the stratospheric ozone layer and other components of the stratosphere to the detriment of human health and the environment.
2. Pursuant to sub-article 1 of this article, the Ministry shall, issue guidelines and undertake programmes relating to—
- (a) the elimination of substances, technologies and equipment that deplete the ozone layer, including ozone friendly substances that contribute to global warming.
 - (b) practices and activities likely to lead to the degradation of the stratospheric ozone layer; and
 - (c) the reduction and minimisation of risks to human health and the environment created by the degradation of the stratospheric ozone layer
3. A regulation will define the specifics of the Ozone depleting substances.

Article 45

Experimental Releases

1. Any person who wishes for experimental purposes to release pathogenic organisms that may not be put into circulation for uses in the environment requires the authorization of the Ministry.
2. The Ministry in consultations with the Ministry of Health issue the authorization mentioned under sub-article 1 of this article.

Chapter 8

Protection of the Land

Article 46

Land Protection

- 1) The Ministry shall, in consultation with the relevant ministries, issue environmental guidelines and prescribe environment protection measures for land use planning which shall include:
 - a) rehabilitation of degraded land through application of appropriate technology and reforestation;
 - b) adoption of planning and management systems that facilitate the integration of environmental components such as water forests, mountains and other natural resources;
 - c) strengthening or management systems for land and natural resources by including traditional and indigenous methods where appropriate; and
 - d) any other thing which the Ministry in consultation with the relevant Line Ministry may consider necessary.
- 2) The Ministry and he relevant Line Ministry shall monitor the implementation of a land use plan prepared in accordance with this section.

Article 47

Protection of Forest

- 1) The Ministry shall, in consultation with the relevant Ministries, issue guidelines and prescribe measures for the sustainable use and protection and management of all forests in Somalia;
- 2) The guidelines issued and measures prescribed pursuant to subsection (1) shall take into account the following:
 - a) forests in protected areas, including forest reserves, national parks and reserves;
 - b) wildlife in forest areas;
 - c) communal forests use and management;
 - d) traditional use of forests and specific plant species which are indispensable to the local community; and

e) conservation biological diversity.

Article 48

Deforestation

1. This Act prohibits the import and export of charcoal from/to Somalia.
2. With the exception of invasive plants, the cutting of trees and forest resources must be in accordance with the Act and other forest protection laws.
3. In order to achieve sustainable charcoal reduction and transition from charcoal & firewood to alternative sources of energy and livelihoods, the government shall:
 - a. Incentivize (tax breaks & subsidies) any person engaged in the provision of alternative sources of energy
4. The government shall endeavour to diversify the country's energy sources by investing and encouraging private sector investment in alternative energy sources.
5. Any person who acts in contravention to sub-article 1&2 of this article commits an offence and shall be sentenced to imprisonment not less than two years and not more than five years or a fine equivalent to the environmental damage caused by the offender.
6. The government of Somalia shall confiscate all the materials used in the commission of the offence.

Article 49

Protection of Wetlands

- 1) The Ministry shall, in consultation with the relevant ministries, issue guidelines and prescribe measures for protection of wetlands;
- 2) The Ministry may declare any wetland to be an ecologically sensitive area and may impose limitations on development in or around such area.
- 3) No person shall, except in accordance with the express written authorisation of the Ministry, given in consultation with the relevant ministries,
 - (a) reclaim or drain any wetland;
 - (b) disturb any wetland by drilling or tunnelling in a manner that has or is likely to have an adverse impact on any wetland or adversely affect any animal or plant life therein;
 - (c) introduce animal or plant species into the wetland.

- 4) An environmental and social impact assessment shall be carried out for all activities that are likely to have an adverse impact on wetlands
- 5) Any person who contravenes this article or regulations enacted thereupon, shall incur a fine or imprisonment not exceeding two years or both.
- 6) The Ministry may enact a regulation to protect wetlands.

Article 50

Protection of Rivers

1. The Ministry shall, in consultation with the relevant ministries issue guidelines and prescribe measures for protection of rivers;
2. Subject to sub-article 2, a person shall not, in relation to a natural river, carry out any of the following activities:
 - a) erect, reconstruct, place, alter, extend, remove under or over the river-bed;
 - b) excavate, drill, tunnel or disturb the river-bed;
 - c) introduce or plant, whether alien or indigenous, in a river;
 - d) introduce any animal or microorganism, whether alien or indigenous, in any river or on, in or under its bed;
 - e) deposit any substance in a river or in, on or under its bed, if that substance would or is likely to have an adverse effect on the environment;
 - f) divert or block any river from its normal course; or
 - g) drain any river.
3. A person who violates this article commits an offence and upon conviction shall be punished with a fine or imprisonment for not more than three years or both. The Ministry may issue regulation on the protection of rivers.

Article 51

Protection of Mountains

1. The Ministry shall, in collaboration with the relevant ministries, issue guidelines and prescribe measures for the sustainable use of hilly and mountainous areas.
2. Pursuant to sub-article 1 of this article, the Ministry shall identify and map out hilly and mountainous areas to determine mountainous areas at risk from environmental degradation, natural processes or natural disasters.

3. A mountainous area is at risk from environmental degradation, natural processes or natural disasters:
 - a) if it is prone to soil erosion or exhibits signs of soil loss;
 - b) if landslides have occurred in the area;
 - c) if there are signs of difficulty by the system to regenerate vegetation cover;
 - d) where vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced; or
 - e) where any other land use activity in the area is likely to lead to environmental degradation.
4. The Ministry shall, in collaboration with relevant ministries at federal and state levels, take measures for restoration, afforestation or reforestation of mountainous areas.
5. Without prejudice to chapter 11 of this Act, operations related to the exploration, mining and general exploitation of mineral resources shall protect the natural environment, reduce or control waste, and act immediately if pollution happens.
6. Subject to the provisions of this Act, every person engaged in the exploitation of minerals shall have the duty to repair and revitalize the excavated or exploited land by returning the land, as far as possible, to its original condition.

Article 52

Management of Rangelands

1. The Ministry may, in consultation with the relevant ministries, issue guidelines and prescribe measures for the sustainable management and utilisation of rangelands.
2. In issuing guidelines and prescribing measures under sub-article 1, the Ministry shall be guided by:
 - a) the carrying capacity of the land;
 - b) the need to conserve soil and water;
 - c) the risk of desertification faced by any rangelands;
 - d) any other factor which the Ministry considers appropriate.

Article 53

Protection of Natural Heritage Sites

- 1) The Ministry shall, in consultation with the relevant ministries:

- a) Identify elements, objects and sites in the natural environment, which are of national importance to the people of Somalia; economically, culturally and environmentally; ,
- b) In such manner as may be prescribed, maintain a register of all elements, objects and sites identified pursuant to paragraph (a); and
- c) Issue guidelines and prescribe measures for the management and protection of cultural elements, objects and sites registered in accordance with this section.

Chapter 9 Climate Change

Article 54

Programmes to Address Climate Change

1. In collaboration with relevant ministries, and through the involvement of the community, the Ministry shall formulate, apply and implement strategies and programs to -
 - a) raise the level of understanding amongst the people of Somalia about the causes and implications of climate change;
 - b) address the effects of climate change within Somalia on its water resources, coastal areas, lands and land usage, food security, biodiversity, fisheries, economic welfare, public infrastructure and its vulnerability to natural disasters;
 - c) implement programs and facilitate projects to protect its water resources, coastal areas, mangroves, lands, biodiversity, fisheries and public infrastructure, and to contribute to the health well-being and livelihoods of Somali people; and
 - d) participate in international conventions and forums with a view to obtaining the fullest possible assistance to address the implications of climate change and undertake adaptation initiatives.
2. The Ministry shall prepare and set climate change adaptation and mitigation measures necessary to address the changing climate.

Article 55

Just Transition

1. Somalia requires a Just Transition to advance towards sustainable development and an economy that is fair to all, particularly those most directly impacted by climate change.
2. The Federal Ministry of Environment and Climate Change shall develop and implement a Just Transition Policy aimed at maximizing social and economic opportunities arising from climate change, while minimizing and carefully mitigating any associated challenges or risks.
3. The International Principles of Just Transition shall be realised through effective social dialogue among all sectors of society impacted by climate change, including the private sector, workers, the federal government and federal member states, whilst ensuring adherence to the fundamental principles of labour and workers' rights.

Chapter 10

Analysis of Environmental Samples

Article 56

Environmental laboratories

4. The Ministry shall -
 - a. establish one or more environmental laboratories;
 - b. Recognise one or more laboratories or institutes as environmental laboratories to carry out the functions entrusted to an environmental laboratory under this Act or regulations issued thereunder.
5. The Ministry may, by notification in the Official Gazette, make rules specifying-
 - a. the functions of the environmental laboratories;
 - b. the procedure for the submission to the said laboratory of samples of air, water, soil or other substance for analysis or tests, the form of the laboratory report thereon and the fees payable for such report;
 - c. Such other matters as may be necessary or expedient to enable the laboratories to carry out their functions.

6. The Ministry shall, on the advice of the relevant ministries, prescribe the form and manner in which samples will be taken for analysis.

Chapter 11

Environmental and Social Impact Assessments

Article 57

Environmental and Social Impact Assessment

1. Notwithstanding any approval, permit or license granted under this Act or any other law in force in Somalia, any person who wishes to carry out a project shall before the commencement of the project, conduct an environmental and social impact assessment.
2. The requirement of an environmental and social impact assessment applies to installations and projects that could cause substantial pollution to the environment. These installations include, but not limited to:
 - a) oil refineries, onshore and offshore installations
 - b) aluminium plants,
 - c) Power stations and communication antennas,
 - d) Plants that can have inter-regional or inter-state environmental impacts.
3. Without prejudice to sub-article 2 of this article, a regulation shall designate the types of installations and projects that are subject to an environmental and social impact assessment.
4. The Ministry reviews the types of installations and projects periodically and adjusts these if required.

Article 58

Monitoring of Environmental and Social Impacts

1. Any person, being a proponent or a developer of a project or undertaking, to which environmental and social impact assessment is required, shall undertake or cause to be undertaken, at his own cost, an environmental and social impact assessment study;
2. An Environmental and Social Impact Assessment study shall be carried prior to the commencement or financing of a project or undertaking;

3. A permit or licence for the carrying out of any project or undertaking in accordance with any written law shall not entitle the proponent or developer to undertake or to cause to be undertaken a project or activity without an environmental and social impact assessment certificate issued under this Act.
4. The Ministry shall monitor activities that are likely to have, or are having an environmental impact in any area of land, sea or air within the jurisdiction of Somalia.

Article 59

Procedures for Environmental and Social Impact Assessment

1. Regulations made under this Act may provide for any aspect of a system of environmental and social impact assessment to be applied in Somalia.
2. Without limiting the generality of sub-article (1) of this article, regulations relating to environmental and social impact assessments may make provision for —
 - a. the types of projects, developments and activities which, if to be undertaken within Somalia, shall require a prior environmental impact and social assessment, or such an assessment at any time during the course of the establishment or operation of a project, development or activity;
 - b. procedures for the assessment of environmental and social impacts, including any reports, scientific testing or analysis or any other matter to verify any aspect of an assessment;
 - c. prescribed or approved forms and fees for any aspect of the assessment of environmental and social impacts, including applications, reports, assessments, findings and approvals;
 - d. the powers of the Ministry to determine, apply and enforce any procedures for the assessment of environmental and social impacts in relation to any type or specific project, development or activity;
 - e. the granting of approvals and the imposition of general or specific conditions;
 - f. the enforcement of conditions which apply to approved projects, developments or activities; and
 - g. Offences for the breach of any requirements applying to the system of environmental and social impact assessment and penalties for such offences.

Article 60

Environmental and Social Impact Assessment Report

1. Pursuant to article 58 of this Act, if an installation or project require an environmental impact and social assessment, the owner of the installation or project shall undertake the environmental and social impact assessment at its own expense.
2. An environmental and social impact assessment report shall be prepared and submitted to the Ministry;
3. The report under sub-article 2 of this article shall contain all the information required to assess the project in accordance with the environmental and social impact assessment regulation. It shall drawn up in accordance with the format and guidelines issued by the Ministry and includes the following:
 - a. The existing condition
 - b. the project, including proposed measures for the protection of the environment and in the event of disaster, and an outline of mitigation measures;
 - c. The foreseeable residual environmental and social impact.
4. The report under this article shall be prepared by an independent expert.
5. The Ministry may request information or further clarification. It may call for its own expert reports; before doing so, the authority must allow interested parties the opportunity to state their opinions.

Article 61

Environmental and Social Impact Assessment Committee

1. The Ministry shall establish a technical committee called the Environmental and Social Impact Assessment Committee.
2. The committee shall advise the Ministry on technical issues related to environmental and social impact assessments. The Environmental and Social Impact assessment regulation shall define the structure, duties and procedures of the committee.
3. The members of the Committee shall be:

- a) Technical members of the Ministry
- b) Members from the relevant line ministries
- c) Other members whom the Ministry deems should be part of the Committee

Article 62

Environmental and Social Impact Assessment Licence

1. The Ministry may, after being satisfied as to the adequacy of an environmental and social impact assessment report, issue an environmental and social impact assessment licence on such terms and conditions as may be appropriate and necessary to facilitate sustainable development and sound environmental management.
2. If the Ministry is unsatisfied with the environmental and social impact report, the proposed project or installation should be abandoned and no licence shall be issued.
3. The Ministry may, cancel, revoke or suspend any environment and social impact assessment licence issued under this article if the holder of the licence contravenes the terms and conditions of the licence.
4. Whenever an environmental and social impact assessment licence is revoked, suspended or cancelled as per sub-article 3 of this article, the holder thereof shall not proceed with the project which is the subject of the licence until a new licence is issued by the Ministry.
5. Any person who is dissatisfied with the decision of the Ministry may appeal to the relevant court under article 86 of this Act.

Article 63

Protection in respect of an Environmental Impact and Social Assessment Licence

1. No civil or criminal liability in respect of a project or consequences resulting from a project shall be incurred by the Government or the Ministry for the grant of an environmental and social impact assessment licence or by reason of any condition attached to such licence.
2. The issuance of an environmental and social impact assessment licence in respect of a project shall afford no defence to any civil action or to a prosecution that may be

brought or preferred against a proponent in respect of the manner in which the project is executed, managed or operated.

Article 64

Public access to the Report

5. Any person may inspect the report and the results of the environmental and social impact assessment unless overriding public or private interests require secrecy.
6. Trade and business secrecy must be preserved in all cases.

Chapter 12

Environmental Restoration

Article 65

Obligation to Remediate

1. The member states shall ensure that polluted sites are remediated if such sites lead to harmful effects or nuisances or if there is a concrete risk that such effects may arise.
2. The Ministry draws up a register of polluted sites that is accessible to the public.
3. The Ministry may carry out the investigation, monitoring and remediation of polluted sites themselves or instruct third parties to do so if:
 - a. this is required to avert imminent effects;
 - b. the person liable is unable to arrange for the measures to be carried out; or
 - c. the person liable fails to act despite being reminded and allowed time to do so.

Article 66

Responsibility for Costs

1. The person responsible bears the costs of the measures required to investigate monitor and remediate polluted sites.
2. If two or more persons are responsible, they bear the costs according to their shares of the responsibility. The first to bear the costs is the person who caused the measures to be needed through his conduct. Any person who is responsible simply as the proprietor of the site does not bear, any costs if, by exercising the required care, he could not have had any knowledge of the pollution.
3. The public authority concerned bears the share of the costs of any person responsible who cannot be identified or is unable to pay.
4. The authority issues a ruling on the allocation of costs if any person responsible so requests or if the authority is carrying out the measures itself.

5. The authority may request the person responsible to provide appropriate security to cover his probable share of the costs of investigation, monitoring and remediation where a polluted site is expected to cause harmful effects or nuisances.

Article 67

Environmental Restoration Order

1. Subject to any other provisions of this Act, the Ministry may issue against a person in respect of any matter relating to the management of the environment an order referred to as an environmental restoration order.
2. An environmental restoration order issued under sub-article 1 of this article shall be issued to—
 - a. require the person on whom it is served to restore the environment as near as it may be to the state in which it was before the taking of the action which is the subject of the order;
 - b. prevent the person on whom it is served from taking any action which would or is reasonably likely to cause harm to the environment;
 - c. award compensation to be paid by the person on whom it is served to other persons whose environment or livelihood has been harmed by the action which is the subject of the order;
 - d. levy a charge on the person on whom it is served which in the opinion of the Authority represents a reasonable estimate of the costs of any action taken by an authorised person or organisation to restore the environment to the state in which it was before the taking of the action which is the subject of the order.
3. An environmental restoration order may contain such terms and conditions and impose such obligations on the persons on whom it is served as will, in the opinion of the Authority, enable the order to achieve all or any of the purposes set out in subsection (2).
4. Without prejudice to the general effect of the purposes set out in subsection (2) an environmental restoration order may require a person on whom it is served to—
 - a. take such action as will prevent the commencement or continuation or cause of pollution;

- b. restore land, including the replacement of soil, the replanting of trees and other flora and the restoration as far as may be, of outstanding geological, archaeological or historical features of the land or the area contiguous to the land or sea as may be specified in the particular order;
- c. cease to take any action which is causing or may contribute to causing pollution or an environmental hazard;
- d. remove or alleviate any injury to land or the environment or to the amenities of the area;
- e. prevent damage to the land or the environment, aquifers beneath the land and flora and fauna in, on or under or about the land or sea specified in the order or land or the environment contiguous to the land or sea specified in the order;
- f. remove any waste or refuse deposited on the land or sea specified in the order and dispose of the same in accordance with the provisions of the order;
- g. pay any compensation specified in the order.

5. In exercising the powers under this section, the Ministry shall—

- a. Be guided by the principles of good environmental management in accordance with the provisions of this Act; and
- b. Explain the right of appeal of the persons against whom the order is issued to the Court.

Article 68

Precautionary Notice

1. Where an Environment Inspector suspects that an activity, matter or thing may be impacting upon the environment, the Officer may issue a notice requiring that any person apparently in control of or associated with the activity, matter or thing comply with any requirement specified in sub-article (2) of this article.
2. A notice issued under sub-article (1) of this article may require all or any of the following —
 - a. that information be provided in relation to the activity, matter or thing to satisfy The Ministry that the environment is not thereby being adversely impacted upon;

- b. that alternative activities or operating techniques be considered and employed to avoid or decrease the impact upon the environment;
 - c. that improvements or alterations be made in relation to the activity, matter or thing to the satisfaction of The Ministry, to avoid or decrease the impact upon the environment; and
 - d. any other requirement, as determined by The Ministry, to ensure that the activity, matter or thing does not adversely affect the environment.
3. Any person served with a notice under this section shall ensure that the requirements stated in the notice are complied with within the time stipulated, and shall satisfy The Ministry, prior to the expiration of that time, that the activity, matter or thing is not adversely affecting the environment.
4. Any person who, having been served with a Notice issued under this section —
 - a. fails to comply with a requirement stated in the Notice; or
 - b. fails to satisfy The Ministry that an activity, matter or thing is not or is no longer adversely impacting upon the environment within the time stipulated — commits an offence, and shall be liable upon conviction —
 - i. to a fine equivalent to the damage caused; or
 - ii. where the environment has been adversely impacted upon, to a fine equivalent to the damage caused. or to imprisonment for a term not exceeding 6 months or both.

Article 69

Notice to Cease Activity

1. A Notice may be issued under this article whether or not a Precautionary Notice has been served under article 68.
2. If the Ministry is of the opinion that there is occurring, or may occur, an act or activity which involves an immediate threat or risk to the environment, the authority may issue a Notice under this article.
3. A Notice issued under this article shall —
 - a. be directed to any person, organisation or body whom the authority believes is carrying out the act or activity, or apparently has some control over it;

- b. specify the act or activity and the nature of its effect upon the environment; and
 - c. require that the act or activity cease, or not be done, until the authority is satisfied that the threat or risk no longer exists.
4. A Notice may be served under this article notwithstanding that any approval, licence or permit has been granted in relation to the activity.
5. The Ministry shall not be liable in respect of any loss or damage arising from, or in any way connected with, the issuing of a Notice under this article.
6. Any person who —
- a. having been served with a Notice issued under this article, fails to comply with any of its terms;
 - b. having been served with a Notice issued under this article, causes or permits any other person to act in breach of its requirements; or
 - c. knowingly acts in breach of the requirements of a Notice given under this article, whether or not that person has been served with the Notice,—
commits an offence and shall be liable upon conviction to a fine, or to a term of imprisonment not exceeding 3 months.
7. In addition to any other penalty imposed under this article, a court may order that any person convicted of an offence —
- a. do any act to reinstate the environment as far as practicable to its state prior to the commission of the offence;
 - b. pay to the Government any sum representing the cost of reinstating the environment to its state prior to the commission of the offence; or
 - c. pay any compensation to the Government, or to any other person affected by the offence, in respect of the damage caused to the environment.

Chapter 13

Waste Management

Article 70

Waste Management

1. The member states are responsible for the management and disposal of waste generated within their respective states
2. The waste generated in one state shall not pollute the environment of another.
3. In Inter-state impact situations, member states shall cooperate on waste management and disposal.
4. Disagreements between states shall be settled by the concerned states.
5. If they cannot agree, they must submit proposed solutions to the Ministry. The Ministry may:
 - a. determine the areas from which waste has been generated (source);
 - b. order the source state to take measures to stop the pollution
 - c. determine compensation to the victim state;
 - d. take other appropriate measures to solve the dispute.
6. The Ministry may enact regulations in relation to waste management.

Article 71

Prohibition of Solid Waste Pollution

1. Notwithstanding article 70 of the Act, no person shall discard, dump or leave any litter on any land, coastal zone or water surface, street, road or site in or on any place to which the public has access, except in a container or at a place which has been specially indicated, provided or set apart for such purpose;
2. The local government or its designate is responsible for the maintenance of any place to which the public has access shall at all times ensure that containers or places are provided which will normally be adequate and suitable for the discarding of litter by the public;

3. A person who acts in contravention to this article commits an offence and is liable on conviction to a fine equivalent to the offence or to imprisonment for a period not exceeding 15 days or both.

Article 72

Prohibitions

Given the harm they cause to the environment, this Act prohibits lightweight single use plastic products.

Chapter 14 Biodiversity

Article 73

Protection of the Biodiversity

1. The Ministry shall, in consultation with relevant ministries, formulate, apply and enforce policies and programs for the protection of the biodiversity of Somalia, and in particular for —
 - a. the control and eradication of invasive species;
 - b. the protection and conservation of Somalia's endemic species;
 - c. the recognition, protection and application of traditional knowledge, innovations and practices in relation to the management, protection and utilisation of Somalia's biological diversity;
 - d. the declaration and management of protected areas, and the implementation of special measures to conserve Somalia's biological diversity;
 - e. promoting access to and transfer of technologies relevant to Somalia's biological diversity;
 - f. implementing plans, strategies and measures for the rehabilitation and restoration of degraded eco-systems, and for the rehabilitation of degraded lands; and
 - g. Implementing systems for the monitoring of and reporting on issues and matters relevant to or affecting Somalia's biological diversity.
2. The Ministry shall take special measures to protect endangered species.
3. Regulations may be made under this Act in relation to any of the matters relevant to Somalia's biodiversity as provided for in sub-article (1) of this article.

Article 74

Protection of Wild Animals and Birds

- 1) All wild animals and birds and in particular, rare, threatened and endangered species and their habitats shall be preserved and protected in accordance with the guidelines and recommendations made by the Ministry after consultations with the relevant ministries;
- 2) A research study should be conducted to understand the current status of Somali biodiversity, types of wildlife, threatened and endangered species etc and their habitat.

- 3) The measures prescribed under sub-article 1 of this article shall include wildlife protected areas:
 - a) The name and detailed boundary description of the protected areas.
 - b) The national parks;
 - c) any other area declared by the Ministry, in consultation with line ministries, as a wildlife protected area.
- 4) This Act prohibits Illegal Wildlife Trade and poaching.
- 5) Anyone who acts in contravention of this article commits an offence and upon conviction is liable to a prison sentence ranging from six months to six years depending on the severity of the offence or a fine. In determining the sentence, the severity of the offence and the offender should be taken into consideration.
- 6) Without prejudice to sub-article 5 of this article, the sentence may also include:
 - a) Confiscation of the wildlife and the materials used to commit the offence,
 - b) Confiscation of any benefit that the offender gained from the illegal wildlife trade,
 - c) Cancellation of any license that may have been given to the offender,
 - d) To cover the cost of any restoration that may be ordered.
- 7) The Ministry shall prescribe by regulation such other measures as may be necessary for the protection and management of wildlife.

CHAPTER 15

Protection of Marine Resources and Coastal Zone

Article 75

Protection of the Marine Environment

- 1) The Ministry shall, in consultation with the relevant ministries, issue appropriate regulations to prevent, reduce and control pollution or other form of environmental damage and protect the marine environment from:
 - a) Land based sources including rivers, estuaries, pipelines and outfall structures;
 - b) Vessels and other engines used in the coastal zone;
 - c) Installations and devices used in the exploration or exploitation of the natural resources of the seabed and subsoil of the exclusive economic zone; and
 - d) Other sources that might pollute the marine environment.

Article 76

Protection of the Coastal Zone

1. The Ministry shall, in consultation with the relevant ministries, prepare a survey of the coastal zone and prepare an integrated national coastal zone management plan based on the report of such survey.
2. The report of the survey of the coastal zone shall contain:
 - a) an inventory of all structures, roads, harbours, outfalls, dumping sites and other works located in the coastal zone;
 - b) an inventory of the state of the coral reefs, mangroves and marshes found within the coastal zone;
 - c) an inventory of all areas within the coastal zone of scenic value or of value for recreational and cultural purposes;
 - d) an inventory of areas within the coastal zone of special value for research in respect of fisheries, erosion, littorals movement and such other similar subjects;
 - e) an estimate of the quantities of sand, coral sea shells and other substances being removed from the coastal zone;
 - f) an estimate of the impacts of erosion on the coastal zone; and
 - g) an estimate of the extent, nature, cause and sources of coastal pollution and degradation;
 - h) an estimate of freshwater resources available in the coastal zone; and
 - i) any other relevant data or information that may be deemed appropriate.
- 2) No person shall in relation to the coastal zone:
 - a) erect, construct, place, alter, extend, remove or demolish any structure in on, under, or over the sea bed;
 - b) excavate, drill, tunnel or disturb the coastal zone and the sea bed or otherwise;
 - c) introduce or plant any part of a plant, plant specimen or organism whether alien or indigenous, dead or alive in the coastal zone;
 - d) introduce any animal or micro-organism whether alien or indigenous, dead or alive in a coastal zone;
 - e) deposit any substance in or under its bed, which is likely to have adverse environmental effects on coastal zone.

- f) Other activities that may pollute the coastal zone.
3. Any person who acts contrary to this provision shall be guilty of an offence and liable upon conviction to a fine or to imprisonment or both. The court has the discretion to set the fine or imprisonment term taking into account the extent of the damage.
 4. The Ministry shall, in consultation with the relevant ministries, issue appropriate regulations to prevent, reduce and control pollution or other form of environmental damage in the coastal zone.

Chapter 16

Environmental Offences

Article 77

Non-compliance with environmental conditions

Any person who fails to comply with any condition of a licence, permit or approval granted under this Act commits an offence and shall be liable upon conviction to a fine or imprisonment for a term of 6 months, unless a severe punishment is imposed by another article of this Act.

Article 78

Supplying false information

Any person who knowingly supplies false information in any application made under this Act or when otherwise required to provide information under this Act commits an offence and shall be sentenced in accordance with the provisions of the Somali Criminal Code.

Article 79

Carrying out any Activity or Project Without Approval

1. Any person carrying out any activity or project, without any approval required under this Act, shall be liable upon conviction to a fine or imprisonment for a term not exceeding 2 years.
2. Upon conviction under sub-article (1) of this article, the Court in addition to any penalty may order the offender to meet the costs of reinstating the site or area affected to its original condition.

Article 80

Environmental and Social Impact Assessment Offences

1. Any person who—
 - a. fails to submit a project report contrary to the requirements of Chapter 11 of this Act;

- b. fails to prepare an environmental and social impact assessment report in accordance with the requirements of this Act or regulations made thereunder;
- c. fraudulently makes false statements in an environmental and social impact assessment report submitted under this Act or regulations made thereunder; commits an offence and is liable on conviction to imprisonment not exceeding 3 years or to a fine equivalent to the offence committed.

Article 81

Offences related to Inspection

- 1. Without prejudice to article 20, any person who—
 - a. hinders or obstructs an Environment Inspector in the exercise of his duties under this Act or regulations made thereunder;
 - b. fails to comply with a lawful order or requirement made by an environmental officer in accordance with this Act or regulations made thereunder;
 - c. refuses an environmental officer entry upon any land or into any premises, vessel or motor vehicle which he is empowered to enter under this Act or regulations made thereunder;
 - d. impersonates an environmental officer;
 - e. refuses an environmental officer access to records or documents kept pursuant to the provisions of this Act or regulations made thereunder;
 - f. fails to state or wrongly states his name or address to an environmental inspector in the cause of his duties under this Act or regulations made thereunder;
 - g. misleads or gives wrongful information to an environmental officer under this Act or regulations made thereunder;
 - h. fails, neglects or refuses to carry out an improvement order issued under this Act by an environmental inspector; commits an offence and shall, on conviction be liable to a fine or an imprisonment for a term not exceeding 3 months.

Article 82

Offences relating to Environmental Standards

- 1. Any person who—

- a. contravenes any environmental standard prescribed under this Act or regulations made thereunder;
- b. contravenes any measure prescribed under this Act or regulations made thereunder;
- c. uses the environment or natural resources in a wasteful and destructive manner contrary to measures prescribed under this Act or regulations made thereunder; commits an offence and shall be liable upon conviction, to a fine or imprisonment for one (1) year.

Article 83

Offences relating to Hazardous Waste, Materials, Chemicals and Radioactive substances

1. Any person who—
 - a. fails to manage any hazardous waste and materials in accordance with this Act or regulations thereunder;
 - b. imports any hazardous waste contrary to this Act;
 - c. knowingly mislabels any waste, pesticide, chemical, toxic substance or radioactive matter;
 - d. fails to manage any chemical or radioactive substance in accordance with this Act;
 - e. aids or abets illegal trafficking in hazardous waste, chemicals, toxic substances and pesticides or hazardous substances;
 - f. disposes of any chemical contrary to this Act or hazardous waste within Somalia;
 - g. withholds information or provides false information about the management of hazardous wastes, chemicals or radioactive substances; commits an offence and shall, on conviction, be liable to a fine or to an imprisonment of not more than 3 years.

Article 84

Offences relating to Pollution

1. Any person who—
 - a. discharges waste into the aquatic environment contrary to the provisions of this Act or regulations thereunder;

- b. pollutes the environment contrary to the provisions of this Act or regulations thereunder;
 - c. discharges any pollutant into the environment contrary to the provisions of this Act or regulations thereunder;
commits an offence and shall on conviction, be liable to a fine or imprisonment of 3 months.
2. In addition to any sentence that the Court may impose upon a polluter under sub-article (1) of this article, the Court may direct that person to—
- a. pay the full cost of cleaning up polluted environment and of removing the pollution;
 - b. clean up the polluted environment and remove the effects of pollution to the satisfaction of The Ministry.
3. Without prejudice to the provisions of sub-articles (1) (2) of this article, the court may direct the polluter to meet the cost of the pollution to any third parties through adequate compensation, restoration or restitution.

Article 85

Appeal

Anyone who is dissatisfied with the decisions of the Ministry under this Act or regulations made thereunder may appeal to the court.

Article 86

General penalty

Any person who commits an offence against any provision of this Act or of regulations made there under for which no other penalty is specifically provided or the specified punishment is not severe enough shall be punished in accordance with the Somali Civil Law and Penal Code.

Article 87

Court

1. The courts that shall try all cases involving offences under this Act, or any regulations made under this Act shall be the courts specified in the Organization of the Judiciary Law 1974 and the constitution.

2. The courts referred to in sub-article 1 of this article shall have an Environmental Bench or Desk to take on environmental cases;
3. The courts shall be trained in matters relating to the environment and the environmental laws of the country.

Chapter 17

Enforcement

Article 88

Enforcement Powers at Federal level

1. The enforcement of this Act is the responsibility of the Ministry.
2. The Ministry shall carry out the exclusive powers bestowed upon them by this Act.

Article 89

Enforcement Powers at State level

1. Member states are required to enforce this Act in their respective states
2. Subject to the provisions of this Act, states shall legislate environmental protection laws at state level.
3. Existing state environmental laws shall be reviewed in order to bring them in to line with this Act and the National Environmental Policy.
4. State Ministries of Environment shall exercise the powers bestowed upon them by this Act.
5. Local governments play an important role in the implementation of this Act including waste management.

Article 90

Supervision

The Ministry supervises the enforcement of this Act by member states and ensure whether state legislations are in accordance with this Act.

Article 91

Other Agencies to Assist with Implementation and Enforcement

1. To effectively implement this Act or regulations issued thereunder:

- a. All Departments and agencies of the Government shall apply the regulatory powers under the laws that they are responsible for administering to regulate or prohibit any activity, matter or thing in accordance with any —
 - i. Decisions made by The Ministry; or
 - ii. At the request of The Ministry.

Chapter 18 Special Provisions

Article 92

Cooperation with the Private Sector

1. The Ministry shall, within the scope of their responsibilities, cooperate with private sector organizations in enforcing this Act.
2. Agreements on environmental standards, setting quantitative targets and deadlines may be entered into.

Article 93

Environmental Pollution Surveys

1. The Ministry shall conduct surveys on environmental pollution and check the effectiveness of measures taken in terms of this Act.
2. State environment ministries shall submit their findings to the Ministry.

Article 94

Regular Inspections

The Ministry may require the regular inspection of installations such as oil installations, waste disposal facilities and construction machinery.

Article 95

Information and Professional Secrecy

1. All those responsible for enforcing this Act as well as experts and other designates/appointees are bound by official secrecy.
2. Confidential information obtained in the implementation of this Act may be disclosed to foreign authorities and international organizations only if this is provided for in an international agreement or a federal act.
3. The Ministry regulates responsibilities and the procedure.

Article 96

Fees

1. A fee is charged for licenses, inspections and special services under this Act or regulations made hereunder.
2. The rates and forms shall be prescribed a regulation.

Article 97

Training and Research

1. The Ministry may promote the basic and continuing education and training of personnel entrusted with duties in terms of this Act.
2. They may commission or support research studies and technology assessments.
3. They may promote the development of installations and processes that can reduce pollution in the public interest.
4. The Ministry makes a general assessment of the effects of the training and research and reports to the Council on the results at yearly intervals.

Article 98

International Cooperation on the Protection of the Environment

1. The Ministry shall:
 - a. Participate in the activities of international organisations or programmes in the field of international environmental protection;
 - b. Implement international agreements on the environment;
 - c. Foster international cooperation in training and research in order to build the capacity of the Somali nation and adoption of sustainable development practices.
 - d. make arrangements for the attendance at any meeting of the Parties of a Convention, and other relevant meetings, of a suitably qualified person to represent the interests of the Government of Somalia;
 - e. liaison with relevant regional or international bodies to ensure that the representation

of the Government of Somalia at any meeting concerning a Convention is informed and effective;

- f. access and utilise available funds and resources by preparing and submitting project proposals and undertaking programs to implement the Conventions;

Article 99

Conventions

1. The Conventions listed in the Annex 2 are the Conventions to which Somalia is a party and shall apply under this Act or regulation thereunder.
2. Environmental laws of Somalia should be aligned with environmental conventions to which Somalia is a party to.

Article 100

Regulations

The Ministry shall, in consultation with relevant ministries at federal and state levels, make regulations prescribing anything which by this Act is required or permitted to be prescribed for carrying out or giving effect to this Act.

Article 101

Existing laws

For matters not addressed or mentioned in this Act in relation to relation to wildlife, it should be referred to the Law of Fauna and Flora Law No. 15 of 25th January 1969.

Article 102

Entry into Force

This Act shall enter into force upon passage by the parliament of the Federal Republic of Somalia, signed by the President and published in the Official Gazeta.

SCHEDULE 1

Types of Projects and Programmes that should conduct environmental and Social Impact Assessment

For any project or programme that can have impacts on the environment and the society, it is required that an environmental and social impact assessment is conducted as per chapter 11 of this Act. The projects include but not limited to:

- a) Oil exploration and extraction
- b) Urban Development.
- c) Transportation.
- d) Dams, rivers and water resources.
- e) Mining
- f) Processing and manufacturing industries including
- g) Electrical infrastructure
- h) Management of hydrocarbons including the storage of natural gas and combustible or explosive fuels.
- i) Waste disposal
- j) Nuclear Reactors.
- k) Any other activity as may be prescribed in the environmental and social impact assessment regulation.

SCHEDULE 2

International Conventions

In the period prior to 1991, Somalia has participated in a number of major international environmental agreements. Moreover, Somalia signed up to more conventions related to the environment in recent years. The country has signed and/or ratified several key multilateral agreements on environmental issues in recognition of the transboundary nature of several environmental problems. The following is a list of the conventions that Somalia has ratified and/or signed:

1. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
2. Convention on the Conservation of Migratory Species of Wild Animals;
3. Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment;
4. Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substance in Cases of Emergency;
5. UN Convention on the Law of the Sea;
6. UN Convention to combat desertification (UNCCD);
7. UN Framework Convention on Climate Change (UNFCCC);
8. Kyoto Protocol to the UNFCCC;
9. Convention on Biological Diversity;
10. Protocol on Bio-Safety (Cartagena Protocol);
11. Basel, Stockholm and Rotterdam Conventions;
12. Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern Africa region;
13. Protocol concerning Co-operation on Combating Marine Pollution in cases of Emergency in the Eastern African region; and
14. Convention for the protection, Management and Development of the Marine and Coastal Environment of the Eastern Africa Region (Nairobi Convention).
15. Protocol on Substances that Deplete the Ozone layer (Montreal Protocol)
16. Convention on the protection of the Ozone Layer (Viana Convention);